



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAY 04 2007

Ms. Janet Llewellyn, Director  
Division of Water Resource Management  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Dear Ms Llewellyn:

The Environmental Protection Agency (EPA) has completed its review of the revisions to Chapter 62-302 of the Florida Administrative Code (FAC), which were adopted by the State as part of the triennial review of Florida water quality standards. The new and revised water quality standards were approved for adoption by the Florida Environmental Regulation Commission on September 28, 2006, became effective under State law on December 7, 2006, and were submitted to EPA by letter dated December 15, 2005, from Gregory Munsun, General Counsel of the Florida Department of Environmental Protection (FDEP), to James Palmer, Region Administrator of EPA Region 4. Mr. Munsun also certified that the revisions were duly adopted pursuant to State law.

EPA is approving these new and revised standards based on a decision that they are consistent with the provisions of 40 CFR Part 131 and the Clean Water Act (CWA). The revisions are now effective for all purposes of the CWA.


These revisions accomplish the following: (1) clarify the language in the introduction of FAC 62-302.530 by directing FDEP to account for natural and statistical variability in applying the numeric water quality criteria in this section; (2) revise the water quality criteria for Class I waters of the State for arsenic, total halomethanes; cadmium, and iron, (3) revise the aquatic life water quality criteria for cadmium for Class III fresh waters, Class III marine waters, Class I waters, and Class II waters of the State; (4) delete water quality criteria for all designated uses for total coliform bacteria; and (5) incorporate several editorial changes to the regulation to update rule cross-references, correct typographical errors, and renumber various provisions of the regulation.

In January 2001, EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service signed a memorandum of agreement (MOA) which governs the exercise of EPA's authorities under §§ 303(c), 304(a), and 402 of the CWA in relation to EPA's obligations under § 7 of the Endangered Species Act (ESA). This MOA addresses EPA's review and approval of State-adopted water quality criteria for the circumstances of the revisions to Florida's water quality criteria for protection of aquatic life.

EPA's decision to approve the revisions to the aquatic life water quality criteria for Class III fresh waters, Class III marine waters, and Class II waters of the State for cadmium is subject to the results of the national consultation under ESA § 7. By approving these criteria revisions "subject to the results of the national consultation," EPA retains its discretion to take appropriate action if the consultation identifies deficiencies in the standards requiring remedial action by EPA. EPA will notify the State if remedial action is required.

In summary, the revisions adopted by the State during the triennial review of water quality standards are consistent with the requirements of the CWA and 40 CFR Part 131, and I am approving these revisions to Florida water quality standards. If you have questions, please contact me at 404/562-9345 or have a member of your staff contact Fritz Wagener at 404/562-9267.

Sincerely,



James D. Giattina, Director  
Water Management Division

cc: Tom Beason, FDEP General Counsel